



91

Docket No. 1614.1093

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Noriyuki ITO et al.

Application No.: 09/708,572

FEB 24 2004

Group Art Unit: 2825

Confirmation No.: 2299

Filed: November 9, 2000

Examiner: Vuthe Siek

For: DESIGN DATA PROCESSING METHOD AND RECORDING MEDIUM

**RESPONSE TO OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INTRODUCTION**

This is in response to the Office Action that was mailed on November 28, 2003, which has a period for response that is set to expire on February 28, 2004. Because February 28, 2004 is a Saturday, this Response is timely filed by Monday, March 2, 2004.

The following remarks are respectfully submitted. Reconsideration of the claims is respectfully requested.

**REMARKS**

In the Office Action that was mailed on November 28, 2003, claims 1, 5, and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishiyama et al. (U.S. Patent No. 5,519,630) ("Nishiyama"). The foregoing rejections are respectfully traversed.

Claims 1, 5, and 9 are pending in the subject application, all of which are independent claims.

In the examiner's Remarks on pages 3-4 of the Office Action, he stated that Nishiyama discusses retrieving all lower-rank elements from each of the specified elements, citing column 8, lines 35-40 of Nishiyama. Upon reviewing the cited section of Nishiyama, the Applicants

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